

TAM:MEM:mel

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,	:	
Plaintiff	:	No. 1:CV-01-0677
	:	(Conner, J.)
v.	:	
	:	
RONALD L. JURY, Lieutenant,	:	
SIS, et al.,	:	Filed Electronically
Defendants	:	

MOTION FOR ENLARGEMENT OF TIME

Defendants ask the Court for a two-day enlargement of time, pursuant to Fed. R. Civ. P. 6(b), in which to comply with the Court's Order of January 6, 2004. Defendants state the following in support thereof:

1. Plaintiff is Emanuel Thomas Newman, an inmate formerly incarcerated at the Allenwood United States Penitentiary in White Deer, Pennsylvania ("USP Allenwood").

2. On April 18, 2001, Newman filed his Bivens complaint against three Bureau of Prisons' employees claiming a deliberate indifference to his safety and welfare. One of the defendants, Ronald L. Jury, was dismissed with prejudice, pursuant to Fed. R. Civ. P. 41(a), on March 19, 2002. Newman alleges that the remaining defendants, Lieutenant Louis Caprio and Lieutenant James White, allowed him to be assaulted on May 14, 1999, by

another inmate, Kevin Tinsley, despite the fact that he sought defendants' protection prior to the day of the assault.

3. The case is presently set for trial. Jury selection is scheduled to commence on May 24, 2004.

4. By Order dated January 6, 2004, the Court identified five incarcerated individuals who will be permitted to testify at trial as witnesses for Newman. The Court also directed counsel for defendants to "contact prison administrators to ensure the availability of locations suitable for videoconferencing at or reasonably near the facilities in which the above-named individuals are incarcerated and shall advise the Clerk of Court of the availability of such locations on the dates scheduled for trial in the above-captioned case." Doc. 100, ¶ 2.

5. Since issuance of the Court's Order, support staff in the United States Attorney's Office and agency counsel for the Bureau of Prisons have been contacting various federal offices to determine the availability of locations for videoconferencing.

6. Although counsel for defendants had intended to contact the Court with the results of the findings, he has been out of the Office for the last two days due to illness.

7. Accordingly, defendants request a two-day enlargement of time in which to comply with the Court's Order.

8. Defendants submit that plaintiff will not be prejudiced by this brief enlargement of time as trial is not scheduled to commence for another three months.

WHEREFORE, on behalf of defendants, the United States Attorney's Office requests an enlargement of time until February 9, 2004, to advise the Clerk of Court of the availability of locations suitable for videoconferencing on the dates scheduled for trial. Counsel certifies that he has not sought the concurrence of plaintiff because plaintiff is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

THOMAS A. MARINO  
United States Attorney

s/Mark E. Morrison  
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Date: February 5, 2004

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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on February 5, 2004, she served a copy of the attached

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Emanuel Thomas Newman  
Reg. No. 13418-039  
Federal Correctional Institution  
P.O. Box 1000  
Oxford, WI 53952-1000

s/ Michele E. Lincalis  
MICHELE E. LINCALIS  
Paralegal Specialist